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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA *ex rel.*
LAURIE SIMPSON,
Plaintiff,

v.

BAYER CORPORATION;
BAYER HEALTHCARE PHARMACEUTICALS,
INC.; BAYER HEALTHCARE LLC; and
BAYER AG;
Defendants.

Civil No.: 05-3895 (JLL)(JAD)

Document Electronically Filed

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S NINTH AMENDED
COMPLAINT**

Return Date: September 15, 2014

TO: Clerk, United States District Court for the District of New Jersey
Martin Luther King Building & United States Courthouse
50 Walnut Street, Room 4015
Newark, New Jersey 07101

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COUNSEL:

PLEASE TAKE NOTICE that Defendants Bayer Corporation, Bayer Healthcare, Pharmaceuticals, Inc., and Bayer Healthcare LLC (collectively referred to as “Bayer” or Defendants”),¹ by and through their counsel Gibbons P.C. (by Lawrence S. Lustberg, Esq.) and Sidley Austin LLP (by Eugene A. Schoon, Esq.), hereby moves the United States District Court for the District of New Jersey (Honorable Jose L. Linares, United States District Judge) for an Order dismissing Plaintiff’s Ninth Amended Complaint with prejudice.

PLEASE TAKE FURTHER NOTICE that Defendants will rely upon the accompanying Briefs, and Appendices and Exhibits attached thereto in support of their Motion.

Dated: August 18, 2014

Respectfully submitted,

s/ Lawrence S. Lustberg

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Bayer Corporation, Bayer Healthcare
Pharmaceuticals, Inc., and Bayer Healthcare LLC

¹ This application is brought only by Bayer Corporation, Bayer HealthCare Pharmaceuticals, Inc., and Bayer HealthCare LLC (“Bayer”). Bayer AG, a named defendant, has not yet been served. The Bayer Defendants come before the Court solely for the purpose of the requested relief and not for the purpose of appearing either generally or specially in this jurisdiction, nor having waived any defenses available to them by such appearance.